

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X Index No.:

LAWRENCE BECKETT and LEE J. BECKETT,

Plaintiffs,

COMPLAINT

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER
FRIAS, POLICE OFFICER FENA, POLICE SERGEANT
BURKE and JOHN and JANE DOES-Police Officers as
yet unidentified,

Defendants

-----X

Plaintiffs by their attorneys, RUBENSTEIN & RYNECKI, ESQS., complaining of
the defendants herein, upon information and belief, respectfully show to this Court, and
allege as follows:

**AS AND FOR A FIRST CAUSE OF ACTION FOR ASSAULT
AND BATTERY ON BEHALF OF LAWRENCE BECKETT**

1. That at all times hereinafter mentioned, plaintiffs were and still are residents of the County, City and State of New York.
2. That at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK, was and still is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. That at all times hereinafter mentioned, the defendant, THE NEW YORK CITY POLICE DEPARTMENT, was and still is a public authority duly organized and existing under and by virtue of the laws of the State of New York.
4. That prior hereto on September 21, 2012, and within the time prescribed by law, a sworn Notice of Claim stating, among other things, the time when and place where the injuries and damages were sustained, together with plaintiff's demands for adjustment thereof was duly served on the plaintiffs behalf on the Comptroller for the City of New York and the New York City Police Department and that thereafter said Comptroller for the City of New York and the New York City Police Department refused or neglected for more than thirty (30) days and up to the commencement of this action to make any adjustment or payment thereof, and that thereafter, and within the time provided by law, this action was commenced.

5. That on January 28, 2013, pursuant to the General Municipal Law, a Statutory 50-H hearing was held on plaintiff, Lawrence Beckett.

6. That on June 6, 2013, pursuant to the General Municipal Law, a Statutory 50-H hearing was held on plaintiff, Lee J. Beckett.

7. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, employed defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, as agents, servants and/or employees.

8. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the plaintiffs, LAWRENCE BECKETT and LEE J. BECKETT, were lawfully present at the premises known as M.J. Pizza located at 1976 1st Avenue, County, City and State of New York.

9. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the plaintiff, LAWRENCE BECKETT, was assaulted and battered by defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, who were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

10. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the aforementioned assault and battery was performed knowingly, intentionally and willfully.

11. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief the defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, who committed the aforementioned assault and battery upon the plaintiff, LAWRENCE BECKETT, were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

12. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the assault and battery on the plaintiff was without probable cause and was not the result of an appropriate arrest.

13. By reason of said assault and battery the plaintiff was caused to suffer severe and serious injuries in and about diverse parts of the person, and suffered great pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

14. By the reason of the foregoing, the plaintiff, LAWRENCE BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING AND RETENTION ON BEHALF OF LAWRENCE BECKETT

15. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "14" inclusive with the same force and effect as if more fully set forth at length herein.

16. Defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, did not exercise reasonable care and diligence in the selection, engagement, employment and training of their agents, servants, and employees and were negligent in the hiring, training and retention of the defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers, as yet unidentified, who assaulted, battered and violated the civil rights of the plaintiff, LAWRENCE BECKETT.

17. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, had prior knowledge of the inappropriate, unlawful, and improper conduct of the defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, and continued to employ them and allowed them to be in contact with the public at large.

18. By the reason of the foregoing, the plaintiff, LAWRENCE BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A THIRD CAUSE OF ACTION FOR FALSE
ARREST ON BEHALF OF LAWRENCE BECKETT**

19. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "18" inclusive with the same force and effect as if more fully set forth at length herein.

20. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, were working within the scope of their employment and authority with defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, when they arrested and confined the plaintiff, LAWRENCE BECKETT.

21. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the arrest and confinement was without probable cause nor based on reasonable grounds and not founded upon an arrest warrant.

22. That as a result of the aforesaid false arrest and confinement, plaintiff, LAWRENCE BECKETT, sustained serious permanent personal injuries along with humiliation, shame, indignity, damage to reputation and credit and suffered emotional and physical distress and injuries.

23. By the reason of the foregoing, the plaintiff, LAWRENCE BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR FALSE
IMPRISONMENT ON BEHALF OF LAWRENCE BECKETT**

24. The plaintiff repeats and realleges each and every allegation set forth above numbered "1 through "23" inclusive with the same force and effect as if more fully set forth at length herein.

25. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet

unidentified, were acting within the scope of their employment when they, without justification and without probable cause, imprisoned the plaintiff.

26. That defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, while acting within the scope of their employment, intentionally confined the plaintiff against his will and said confinement was not privileged.

27. By the reason of the foregoing, the plaintiff, LAWRENCE BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR INTENTIONAL
AND NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS
ON BEHALF OF LAWRENCE BECKETT**

28. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "27" inclusive with the same force and effect as if more fully set forth at length herein.

29. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, acted intentionally, recklessly and with utter disregard to the consequences of their actions and caused severe emotional distress to the plaintiff through their actions.

30. Said actions exceeded all reasonable bounds of decency, were outrageous and shocking and resulted in severe emotional distress to the plaintiff, LAWRENCE BECKETT.

31. That as a result of said intentional and negligent acts, the plaintiff, LAWRENCE BECKETT, became sick, sore, lame and disabled, received severe and serious injuries in and about diverse parts of his person and suffered great physical pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

32. By reason of the foregoing, the plaintiff, LAWRENCE BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR MALICIOUS
PROSECUTION ON BEHALF OF LAWRENCE BECKETT**

33. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "32" inclusive with the same force and effect as if more fully set forth at length herein.

34. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, within the scope of their employment, without justification, without probable cause, created and submitted an erroneous police report in an effort to cover up the aforesaid and initiate a prosecution in bad faith.

35. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, were acting within the scope of their employment, maliciously prosecuted the plaintiff.

36. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, as a result of the aforesaid malicious prosecution, plaintiff sustained serious, permanent, personal injuries along with humiliation, shame, indignity, damage to reputation and credit, legal fees, loss of employment opportunities and suffered emotional and physical distress and injury.

37. By reason of the foregoing, plaintiff, LAWRENCE BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A SEVENTH CAUSE OF ACTION FOR CIVIL
RIGHTS VIOLATION ON BEHALF OF LAWRENCE BECKETT**

38. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "37" inclusive with the same force and effect as if more fully set forth at length herein.

39. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to, defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, were acting under the color of law and within the scope of their authority, assaulted, battered, falsely arrested and falsely imprisoned the plaintiff, LAWRENCE BECKETT, in violation of 42 U.S.C.A. section 1983 as well as other applicable state and federal laws.

40. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, acting under color of law and within the scope of their authority, deprived the plaintiff, LAWRENCE BECKETT, of liberty without due process and without reasonable cause in violation of 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

41. The defendants had deprived the plaintiff by their actions of his civil rights as guaranteed by statute.

42. That the assault, battery, false arrest and false imprisonment was in violation of the civil rights of the plaintiff, more particularly, 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

43. That the deprivation by the defendants of plaintiff's civil rights was a result of said defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, acting under color of law and within their authority as law enforcement officers within the employ of defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

44. That the defendants' actions were not privileged or immune.

45. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE

DOES-Police Officers as yet unidentified, were not acting with immunity when they deprived plaintiff of his civil rights.

46. By the reason of the foregoing, the plaintiff, LAWRENCE BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

AS AND FOR AN EIGHTH CAUSE OF ACTION FOR PUNITIVE DAMAGES ON BEHALF OF LAWRENCE BECKETT

47. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "46" inclusive with the same force and effect as if more fully set forth at length herein.

48. The actions of the defendants herein-above alleged, were malicious, willful and grossly negligent.

49. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, authorized, permitted and ratified the unlawful and negligent acts of their agents, servants and/or employees, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, herein-above alleged.

50. By the reason of the foregoing, the plaintiff, LAWRENCE BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

AS AND FOR A NINTH CAUSE OF ACTION FOR ASSAULT AND BATTERY ON BEHALF OF LEE J. BECKETT

51. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "50" inclusive with the same force and effect as if more fully set forth at length herein.

52. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the plaintiff, LEE J. BECKETT, was assaulted and battered by defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, who were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

53. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the aforementioned assault and battery was performed knowingly, intentionally and willfully.

54. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief the defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, who committed the aforementioned assault and battery upon the plaintiff, LEE J. BECKETT, were acting within the scope of their employment with the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

55. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the assault and battery on the plaintiff was without probable cause and was not the result of an appropriate arrest.

56. By reason of said assault and battery the plaintiff was caused to suffer severe and serious injuries in and about diverse parts of the person, and suffered great pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

57. By the reason of the foregoing, the plaintiff, LEE J. BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A TENTH CAUSE OF ACTION FOR NEGLIGENT
HIRING AND RETENTION ON BEHALF OF LEE J. BECKETT**

58. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "57" inclusive with the same force and effect as if more fully set forth at length herein.

59. Defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, did not exercise reasonable care and diligence in the selection, engagement, employment and training of their agents, servants, and employees and were negligent in the hiring, training and retention of the defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-

Police Officers, as yet unidentified, who assaulted, battered and violated the civil rights of the plaintiff, LEE J. BECKETT.

60. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, had prior knowledge of the inappropriate, unlawful, and improper conduct of the defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE, JOHN and JANE DOES-Police Officers as yet unidentified, and continued to employ them and allowed them to be in contact with the public at large.

61. By the reason of the foregoing, the plaintiff, LEE J. BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

AS AND FOR AN ELEVENTH CAUSE OF ACTION FOR FALSE ARREST ON BEHALF OF LEE J. BECKETT

62. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "61" inclusive with the same force and effect as if more fully set forth at length herein.

63. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, were working within the scope of their employment and authority with defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, when they arrested and confined the plaintiff, LEE J. BECKETT.

64. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, the arrest and confinement was without probable cause nor based on reasonable grounds and not founded upon an arrest warrant.

65. That as a result of the aforesaid false arrest and confinement, plaintiff, LEE J. BECKETT, sustained serious permanent personal injuries along with humiliation, shame, indignity, damage to reputation and credit and suffered emotional and physical distress and injuries.

66. By the reason of the foregoing, the plaintiff, LEE J. BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A TWELFTH CAUSE OF ACTION FOR FALSE
IMPRISONMENT ON BEHALF OF LEE J. BECKETT**

67. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "66" inclusive with the same force and effect as if more fully set forth at length herein.

68. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, were acting within the scope of their employment when they, without justification and without probable cause, imprisoned the plaintiff.

69. That defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, while acting within the scope of their employment, intentionally confined the plaintiff against his will and said confinement was not privileged.

70. By the reason of the foregoing, the plaintiff, LEE J. BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

**AS AND FOR A THIRTEENTH CAUSE OF ACTION FOR INTENTIONAL
AND NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS
ON BEHALF OF LEE J. BECKETT**

71. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "70" inclusive with the same force and effect as if more fully set forth at length herein.

72. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, acted intentionally, recklessly and with utter disregard to the consequences of their actions and caused severe emotional distress to the plaintiff through their actions.

73. Said actions exceeded all reasonable bounds of decency, were outrageous and shocking and resulted in severe emotional distress to the plaintiff, LEE J. BECKETT.

74. That as a result of said intentional and negligent acts, the plaintiff, LEE J. BECKETT, became sick, sore, lame and disabled, received severe and serious injuries in and about diverse parts of his person and suffered great physical pain, distress, mental shock, mental anguish and psychological trauma and was otherwise injured.

75. By reason of the foregoing, the plaintiff, LEE J. BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

AS AND FOR A FOURTEENTH CAUSE OF ACTION FOR MALICIOUS PROSECUTION ON BEHALF OF LEE J. BECKETT

76. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "75" inclusive with the same force and effect as if more fully set forth at length herein.

77. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, within the scope of their employment, without justification, without probable cause, created and submitted an erroneous police report in an effort to cover up the aforesaid and initiate a prosecution in bad faith.

78. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, were acting within the scope of their employment, maliciously prosecuted the plaintiff.

79. That on August 13, 2012, and at all times hereinafter mentioned and upon information and belief, as a result of the aforesaid malicious prosecution, plaintiff sustained serious, permanent, personal injuries along with humiliation, shame, indignity, damage to

reputation and credit, legal fees, loss of employment opportunities and suffered emotional and physical distress and injury.

80. By reason of the foregoing, plaintiff, LEE J. BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

AS AND FOR A FIFTEENTH CAUSE OF ACTION FOR CIVIL RIGHTS VIOLATION ON BEHALF OF LEE J. BECKETT

81. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "80" inclusive with the same force and effect as if more fully set forth at length herein.

82. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to, defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, were acting under the color of law and within the scope of their authority, assaulted, battered, falsely arrested and falsely imprisoned the plaintiff, LEE J. BECKETT, in violation of 42 U.S.C.A. section 1983 as well as other applicable state and federal laws.

83. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA. POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, acting under color of law and within the scope of their authority, deprived the plaintiff, LEE J. BECKETT, of liberty without due process and without reasonable cause in violation of 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

84. The defendants had deprived the plaintiff by their actions of his civil rights as guaranteed by statute.

85. That the assault, battery, false arrest and false imprisonment was in violation of the civil rights of the plaintiff, more particularly, 42 U.S.C.A. Section 1983 as well as other applicable state and federal laws.

86. That the deprivation by the defendants of plaintiff's civil rights was a result

of said defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, acting under color of law and within their authority as law enforcement officers within the employ of defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT.

87. That the defendants' actions were not privileged or immune.

88. That the defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, were not acting with immunity when they deprived plaintiff of his civil rights.

89. By the reason of the foregoing, the plaintiff, LEE J. BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

AS AND FOR A SIXTEENTH CAUSE OF ACTION FOR PUNITIVE DAMAGES ON BEHALF OF LEE J. BECKETT

90. The plaintiff repeats and realleges each and every allegation set forth above numbered "1" through "89" inclusive with the same force and effect as if more fully set forth at length herein.

91. The actions of the defendants herein-above alleged, were malicious, willful and grossly negligent.

92. The defendants, THE CITY OF NEW YORK and THE NEW YORK CITY POLICE DEPARTMENT, authorized, permitted and ratified the unlawful and negligent acts of their agents, servants and/or employees, including but not limited to defendants, POLICE OFFICER FRIAS, POLICE OFFICER FENA, POLICE SERGEANT BURKE and JOHN and JANE DOES-Police Officers as yet unidentified, herein-above alleged.

93. By the reason of the foregoing, the plaintiff, LEE J. BECKETT, sustained damages in an amount exceeding the jurisdictional limits of all the lower Courts.

WHEREFORE, plaintiff, LAWRENCE BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **First** Cause of Action; plaintiff, LAWRENCE BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Second** Cause of Action; plaintiff, LAWRENCE BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Third** Cause of Action; plaintiff, LAWRENCE BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fourth** Cause of Action; plaintiff, LAWRENCE BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fifth** Cause of Action; plaintiff, LAWRENCE BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Sixth** Cause of Action; plaintiff, LAWRENCE BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Seventh** Cause of Action; plaintiff, LAWRENCE BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Eighth** Cause of Action; plaintiff, LEE J. BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Ninth** Cause of Action; plaintiff, LEE J. BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Tenth** Cause of Action; LEE J. BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Eleventh** Cause of Action; LEE J. BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Twelfth** Cause of Action; LEE J. BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Thirteenth** Cause of Action; LEE J. BECKETT, demands judgment both

compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fourteenth** Cause of Action; LEE J. BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Fifteenth** Cause of Action; LEE J. BECKETT, demands judgment both compensatory and exemplary in an amount exceeding the jurisdictional limits of all lower Courts on the **Sixteenth** Cause of Action; together with attorneys' fees, and the costs and disbursements of this action.

DATED: Brooklyn, New York
June 17, 2013


Yours, etc.,

ROBERT MIJUCA, ESQ.
RUBENSTEIN & RYNECKI, ESQS.
Attorneys for Plaintiffs
16 Court Street Suite 1717
Brooklyn, New York 11241
(718) 522-1020

ATTORNEY'S VERIFICATION

ROBERT MIJUCA, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am a Partner at RUBENSTEIN & RYNECKI, attorneys of record for Plaintiff, in the action within. I have read the annexed **COMPLAINT**, and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

I make the foregoing affirmation because Plaintiff(s) is/are not presently in the county wherein I maintain my offices.

DATED: Brooklyn, New York
 June 17, 2013



ROBERT MIJUCA